

**PLANNING AND ZONING COMMISSION  
MINUTES  
GENERAL MEETING/PUBLIC HEARING  
November 25, 2003**

PLACE: Room 206  
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:  
Damanti, Conze, Forman, Spain and Kenny

STAFF ATTENDING: Ginsberg, Keating

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The meeting began at 8:01 p.m. in Room 206 of the Town Hall. Chairman Damanti read the following agenda item:

**GENERAL MEETING**

**Business Site Plan #90-K, Pear Partners, LLC, 1077 Boston Post Road.** Proposing to renovate and to construct additions and alterations to the existing building and perform related site development activities. The subject properties are on the northwest side of Boston Post Road, approximately 550 feet northeast of its intersection with Leroy Avenue, and is shown on Tax Assessor's Map #73, as Lots #7 and #42 in the CBD Zone, with shared parking on Lots #40 and #41 in the CBD and PR Zones.

The Commission had discussed this matter at its meeting of November 18, 2003. The draft Resolution was not acceptable to the Commission at that time and had to be reworked. A revised draft Resolution had been distributed to the Commission members. The following motion was made: that since each member has had an opportunity to review the revised draft Resolution prior to the meeting, there is no need to read the entire Resolution aloud. The motion was made by Mr. Spain, seconded by Mr. Kenny and unanimously approved. Commission members did note that it would be appropriate to modify Stipulation No. 8 to reflect the fact that during the peak parking demand time, such as Saturdays, the spa would be operated on an appointment only basis. On other days and at other times when parking is not critical, they could have walk in clients who do not have appointments. With that modification, the following motion was made: that the Commission adopt the following revised Resolution:

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 25, 2003**

Application Number: Business Site Plan #90-K

Tax Assessor's Map #73 Lots #7 and #42 with shared parking on Lots #40 and #41

Street Address: 1077 Boston Post Road

Name and Address of Applicant	Pear Partners, LLC
And Property Owner:	528 Boston Post Road
	Darien, CT 06820

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Name and Address of  
Applicant's Representative: William J. Hennessey, Jr., Esq.  
970 Summer Street  
Stamford, CT 06905

Activity Being Applied For: Proposing to renovate and to construct additions and alterations to the existing building and perform related site development activities.

Property Location: The subject properties are on the northwest side of Boston Post Road, approximately 550 feet northeast of its intersection with Leroy Avenue.

Zone: CBD & PR (portion of shared parking lot)

Date of Public Hearing: September 16, 2003 continued to October 14, 2003

Time and Place: 8:00 P.M. Room 206 (September 16) and Auditorium (October 14) Town Hall

Publication of Hearing Notices

Dates: September 4 & 11, 2003  
October 2 and 9, 2003

Newspaper: The Darien News-Review

Date of Action: November 25, 2003

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of  
Action: December 4, 2003

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650, 900, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

- A. The applicant proposes to renovate and to construct additions and alterations to the existing 16,500+/- square foot Darien Playhouse building and perform related site development activities. This project proposes to expand and convert the existing building into four tenant spaces totaling approximately 17,280 square feet, with the proposed uses being:

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- Two movie theater auditoriums each with a seating capacity of up to 150 persons, with associated lobby, rest rooms, common area and concession stand;
  - A 5,550 +/- square foot first floor retail space proposed to be leased to Ann Taylor Loft, a women's clothing store;
  - A 2,980 +/- square foot first floor retail space with no current proposed tenant; and
  - A 7,150 +/- square foot space on the second floor proposed to be leased by Elizabeth Arden Salons & Spas (hereinafter the "Spa"), a personal service use.
- B. This application has been presented to the Planning and Zoning Commission as a proposal to comprehensively renovate the existing building. This involves expanding the building by constructing a one-story addition to the east side, and a one and two-story addition to the west side. No discussion or presentation was made by the applicant regarding the razing of the existing building.
- C. This application presents a unique circumstance, in that there are now two theater auditoriums within the building with a total of 564 seats. In the past, other uses have occupied other smaller portions of the building. This application proposes to reduce the size and seating capacity of the theater use and add three new large tenants. By reducing the number of theater seats, the maximum occupancy within the building is reduced, as is the likely "peak" use of the building. Under Section 904g of the Darien Zoning Regulations, the parking standard for a movie theater is: 1 space for each 3 seats or for each 200 square feet or for each 3 persons permitted by the Fire Marshal to occupy the building, whichever would be the greatest. With a 564 seat theater, 188 parking spaces are required, under the 1 per 3 seat standard, and with a 300 seat theater, 100 spaces are required. Thus, the reduction of theater use reduces the parking need for that use.
- D. On August 19, 2003, the Architectural Review Board approved the application to renovate and modify the existing façade of the building. That approval is hereby incorporated by reference. No approvals for signage have yet been applied for or acted upon. The Planning and Zoning Commission notes that the elevation on Drawing #A-4A does not clearly show the movie theater marquee on the front (Boston Post Road side) of the building.
- E. Floor plans were submitted by the applicant entitled, "Darien Theater 1077 Boston Post Road by Do H. Chung and Partners, Drawing Number A-1A, Proposed First Floor Plan, scale 1/8"=1', dated 8/13/03 and Generally Revised 09/15/03, and Proposed Second Floor Plan, scale 1/8"=1', dated 8/13/03 and Generally Revised 09/09/03." Those floor plans show an area on the first floor set aside for movie theater use, showing two auditoriums—one for 146 seats, and one for 140 seats. The Proposed Second Floor Plan shows that the second floor will be used by the theater, and by the Spa. The Plan does not give any details on the Spa space, and notes that, "Interior layout to be defined by tenant."
- F. The main issue regarding this proposal is the adequacy of the parking for the proposed building and its uses. A Parking and Traffic Study prepared by Barkan & Mess Associates dated September 2, 2003 was submitted as part of this application (hereinafter the "Study"). This Study notes that there are now 191 parking spaces in the existing shared parking lot, which is shared by the subject building, Webster Bank and an antique shop, and the Darien Sport Shop. This shared parking lot extends onto all three properties.

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- G. The Parking and Traffic Study notes that, "...there would be a shortfall of parking spaces on peak Saturdays during the year." (page 7). The Study suggests a number of strategies be considered to minimize parking impacts. It also noted that with the proposed additions to the building and the proposed uses for the building, that "...the shared parking lot lacks adequate size for peak parking demands during a Saturday without on-site parking demand mitigation." (page 11). The Commission agrees with the finding that there will not be sufficient parking on-site on Saturdays and some holidays.
- H. An October 14, 2003 letter was submitted from the Board of Selectmen in their role as Town Parking Authority. That letter provides a license for use of up to 100 parking spaces in the Squab Lane and Leroy West parking lots on Saturdays, Sundays and legal holidays. This will be used by all of the proposed tenants. However, by its terms, the license is only in effect for as long as a movie theater is operated in the subject premises.
- I. The Parking and Traffic Study also estimates the number of parking spaces needed by the Elizabeth Arden Spa use to be 35-40 on weekdays and 55-60 on Saturdays. This was based upon operational information provided by Elizabeth Arden (page 7). On page 8 of the Study, it was stated that "...as many as thirty people could be getting various treatments at the day spa on Saturdays during peak times." Representations were made at the public hearing that there would be up to 33 employees at the Spa at any one time, and that the spa would operate by "appointment only".
- J. Other suggestions for reducing the parking impact on Saturdays were outlined on Pages 7 and 8 of the Parking and Traffic Study. One proposal would be to have only one screen showing movies during the day on Saturdays, and to require at least one hour in between movies.
- K. The Study (on page 8) also states that, "Valet parking for the spa would be an effective way to minimize demand but would require certain logistics to be in place. An alternative to that strategy would be to eliminate matinee movies entirely during the day on Saturdays." Under the Darien Zoning Regulations, there is no provision for valet parking to be substituted for adequate number and size of parking spaces.
- L. Under the Darien Zoning Regulations, the retail use of this entire building would require 173 parking spaces under Section 904j of the Darien Zoning Regulations (1 space per every 100 square feet x 17,280 square feet). Several truck unloading spaces are also required by Section 909.1.a of the Regulations.
- M. There are currently shared parking arrangements among three properties--this property, the Darien Sport Shop owned by Stephen F. Zangrillo at 1127 Boston Post Road, and Webster Bank and the antique shop owned by 1101 Boston Post Road Investments, Inc., at 1101 Boston Post Road. This parking arrangement has been in effect since 1978. These three property owners share the use and maintenance of the existing 191+/- space parking lot shown on the plans entitled, "Map prepared for United Artists Theatres, Inc.", scale 1"=20', by William W. Seymour & Associates, dated September 21, 1994. A copy of the three shared parking arrangements are in the record of this matter. The shared parking arrangements presently work well because the peak parking demands for the various uses do not, for the most part, occur at

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the same time. The theater use is the key to the success of the shared parking agreements. The peak parking and traffic times for the movie theater occur during the evenings and on weekends (weekend evenings, and to a lesser extent, matinees). This peak parking and traffic for the theater differs from the peak parking and traffic times for the proposed Spa use.

- N. The applicant proposes to utilize the existing Joint Parking arrangement as expressly permitted by Section 905 of the Darien Zoning Regulations. Section 905 reads as follows:

905. Joint Parking

*Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements for each individual use on the lot, except that the Commission may approve the joint use of parking space by two or more establishments on the same or on contiguous lots, the total capacity of which space shall be less than the sum of the spaces required for each, provided:*

- 1. The Commission finds that the proposed capacity shall meet the intent of the requirements;*
- 2. Approval of such joint use shall be automatically terminated upon the termination of the operation of any of such establishments;*
- 3. Legal documentation shall be furnished establishing such rights for the duration of such joint use.*

*Such shared parking arrangements shall be limited to use and shall not include shared parking by time.*

- O. At the public hearing, representations were made that the Spa will have a maximum of 63 people on-site at any one time. This will be in the likely form of 30 employees, 30 customers, and three administrative staff or others.
- P. Under Section 909 of the Darien Zoning Regulations, the Planning and Zoning Commission can determine how many loading spaces are necessary and appropriate for a building. In this case, the Commission recommends at least one properly sized loading space. This will give the owner maximum flexibility for any future tenants. Since the conditions of this approval do not allow loading and unloading from the Boston Post Road or from the access drives to, or egress drives out of, the shared parking area, it is imperative that a proper area be set aside for such use. Failure to provide at least one full sized properly designed unloading area would preclude many possible future uses and tenants. There shall be at least two dumpsters within the loading area. Trash shall be emptied as frequently as necessary.
- Q. The applicant seeks approval of the parking arrangements among the three properties for operation of the shared parking lot. Pursuant to Sections 902 and 1025.3 of the Darien Zoning Regulations, the Planning and Zoning Commission finds under Sections 905a and 905c that, with the presence of the existing shared parking arrangements referred to herein, AND with the license agreement provided by the Board of Selectmen to allow up to 100 parking spaces for parking for tenants of this property on weekends and holidays, adequate off-street parking spaces have been provided to prevent on-street and off-street traffic congestion, and all parking spaces the applicant/property owner has rights to, have been suitably identified. Without the license agreement, there is likely to be a shortfall in parking spaces during these peak times.

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NOW THEREFORE BE IT RESOLVED that Business Site Plan #90-K is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

1. Construction plans and site plans must be modified as discussed herein, and the site work shall be in conformance with the revised versions of the following submitted plans:
  - Darien Theater 1077 Boston Post Road by Do H. Chung and Partners,
  - Drawing Number S-1, Site Plan (Existing), scale 1"=30', dated 8/28/03.
  - Drawing Number S-1A, Proposed Site Plan, scale 1"=30', dated 8/28/03.
  - Drawing Number A-1A, Proposed First Floor Plan, scale 1/8"=1', dated 8/13/03 and Generally Revised 09/15/03.
  - Drawing Number A-2A, Proposed Second Floor Plan, scale 1/8"=1', dated 8/13/03 and Generally Revised 09/09/03.
  - Drawing Number A-3A, Proposed Elevations, scale 1/8"=1', dated 8/28/03.
  - Drawing Number A-4A, Proposed First Floor Plan, scale 1/8"=1', dated 8/13/03.
  - Drawing Number A-5A, Proposed Sections, scale 1/8"=1', dated 8/13/03.
2. The Commission hereby requires the following revisions and modifications be made to the Site Plan (Drawing Number S-1A). Many of these are noted in the September 2, 2003 letter from William J. Hennessey, Jr. to Jeremy Ginsberg:
  - Show the location of a bicycle rack;
  - Correctly size two or more dumpsters for the users and potential users of the entire premises and include a gated wooden stockade fence around the dumpsters;
  - Show the location of the transformer on the ground and any necessary propane tanks. All of these shall be properly screened;
  - Removal of the existing north "bumpout" of the theater (as shown in orange on the 8/28/03 version of the plans) to improve access to the loading area. The loading dock area cannot obstruct a pedestrian exit from the building, nor can it obstruct vehicular movement to or within the shared parking area;
  - The plans shall be revised to **not** show any changes to the landscaped island on the north side of the building. The island shall **not** be modified in order to create a parking space.
  - Modify the size of the two new parking spaces near Grove Street as necessary to comply with the Darien Zoning Regulations. This may result in the need to move the parallel spaces behind those spaces slightly to the south to create an improved backing aisle.
3. Other plans shall be prepared and submitted as follows:
  - a. Per Section 1024.5 of the Darien Zoning Regulations, the applicant shall prepare a Roof Plan and an elevation, which will show the treatment of all roof top mechanical equipment, including the final location of the HVAC units and their screening. This Plan shall be reviewed and acted upon by the Planning & Zoning Director prior to the issuance of a Zoning or Building Permit.
  - b. As required by Section 1024.4 of the Darien Zoning Regulations, a Landscaping Plan shall be submitted. This plan shall detail the landscaping to be installed adjacent to the west side of the building. The Landscaping Plan shall be reviewed and acted upon by the Planning & Zoning Director prior to the issuance of a Zoning or Building Permit.

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4. Final floor plans shall be submitted reflecting the final design and layout of all of the tenant spaces, including the Spa (see Condition G, below). These shall be reviewed by the Fire Marshal prior to the issuance of a Zoning or Building Permit. The applicant is free to increase the size of the two movie theater auditoriums to a total of 300 seats, and/or enlarge the lobby or concession area. However, the movie theater use cannot be reduced either in size or by the number of seats on either the first or second floor beyond that shown on the Proposed First Floor Plan (Drawing Number A-1A, last revised 9/15/03), or the Proposed Second Floor Plan (drawing Number A-2A, last revised 8/13/03).
5. An exterior Lighting Plan shall be submitted for final review and action by the Planning and Zoning Director prior to the issuance of a Zoning or Building Permit. This Plan shall show light pole locations, with details regarding the light poles consistent with the "Model Block". Light poles to be in parking lots shall be located and protected to minimize damage by vehicles. This shall include any emergency lighting required by the Fire Marshal. The maximum height of any new light fixtures to be installed shall be 14 feet for parking areas, and 10 feet for pedestrian areas (Section 232 of the Zoning Regulations). Internal shields shall be utilized to prevent glare problems in or toward the adjacent residential uses.
6. During the construction, the applicant shall utilize any and all sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient.
7. The Commission hereby limits the number of stations within the Spa to 45 total, and the number of customers being served at any one time to 30 and a maximum occupancy of the existing space to no more than 63 persons (including customers and all workers). These limits are fully consistent with the representations made at the public hearing by the applicant and the operational information presented by the Elizabeth Arden tenant on pages 7 and 8 of the Traffic Study. This Study notes that "...as many as thirty people could be getting various treatments at the day spa on Saturdays during peak times" (page 8). Other representations were made during the public hearing that there will be approximately 30 employees, 30 customers, and 3 administrative and other staff maximum in the spa at any one time. The limit of 45 stations will allow for some maneuverability and flexibility when scheduling appointments, and can help assure that there will be a vacant station when desired. **Because this is generally a "by appointment only" spa, it is up to the tenant to schedule spa clients appropriately to assure that stations are available for that client at that time, and that customers are not waiting for their treatments.** Proper scheduling will assure that adequate stations are available for customers at all times.
8. The Spa shall be by appointment only on Saturdays and Holidays. Because of the parking situation, no "walk-ups" are allowed for services on those days. By restricting operations on those days to a "by appointment only" use, parking can be monitored, and prepared for. All of the proposed tenant uses shall be as described in the application materials submitted by the applicant, and as described at the public hearing on this matter.

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9. As noted above, this application has been presented as a renovation and expansion, rather than a razing of the existing building. Thus, the Commission conditions this approval on the fact that during all times of construction, at least three walls of the existing building remain standing. Also, as a condition of this approval, a detailed Demolition Plan shall be submitted with the Zoning and Building Permit applications. This plan shall show staging/stockpiling areas, and areas to be “fenced off” and/or “roped off” during construction. As the renovation of the building is occurring, it is imperative that the other two users of the shared parking arrangement have as much parking available to them as possible. During construction, the applicant shall limit disturbance to the absolute minimum area necessary for construction and renovation. The Demolition Plan shall be reviewed and acted upon by the Planning & Zoning Director prior to the issuance of a Zoning or Building Permit.
10. Because it is likely that with four tenant spaces and such a large building, that there may be a desire for a temporary Certificate of Occupancy for the building, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance, but the movie theater space shall be completed and operational first.
11. Future review and action shall be obtained from the Planning and Zoning Commission for any change of tenants and/or uses within the building. This will assure that the shared parking arrangements are still viable, and that adequate parking is still being provided. It is specifically noted that if the movie theater is no longer operating, then the parking license agreement with the Board of Selectmen for the use of up to 100 parking spaces is null and void.
12. No delivery vehicles shall use the Boston Post Road or the access driveways within the site for loading or unloading, nor to make deliveries to a site. It is the responsibility of the property owner and each of the tenants to inform delivery personnel that adequate delivery areas are provided in the rear of the building (the north side of the building), to assure that only those designated areas are utilized for deliveries.
13. Because of the limited parking on-site, the applicant noted that measures could be taken to ensure that the shared parking lot is used only by customers of the businesses on the three properties. These measures include: posting of signs; the use of employee parking stickers; and the hiring of a parking attendant on-site in the mornings. This will help minimize unauthorized use of this parking lot, and help free up parking spaces for both the customers and employees of the tenants. Since it is this owner that proposes to change the current tenants and use mix and therefore to affect the current more-than-adequate parking arrangement, this owner and any subsequent owners of this site, and, if required of the lessors, the tenants of this building, shall be responsible for all costs and for the proper implementation of these measures.
14. The Commission hereby approves the following maximum hours of operation for the uses within the subject building:
  - Movie Theater: 3 shows per theater on Monday through Friday,  
5 shows per theater on Saturday and Holidays, and 4 shows per theater on Sunday;

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- Elizabeth Arden Spa: 8am-6pm Monday & Tuesday; 8am-7pm Wednesday; 8am-8pm Thursday; 8am-6pm Friday; 8am-6pm Saturday; and 9am-6pm Sunday.
  - Ann Taylor Loft: 10am-6pm Monday through Saturday; and 10am-5pm Sunday.
  - no hours were proposed for the undefined retail space.
15. Final details regarding the valet parking shall be submitted for review and action by the Planning & Zoning Director prior to January 30, 2004. This shall include the type and location of any required signage; the number of employees; parking area(s) to be used; any kiosks or structures to be established; how cars will be parked so as not to impact traffic flow and maneuvering within the shared parking lot; and the days and hours of operation. It shall also state where vehicles will be parked both on and off the property, and how the valet will get to those vehicles.
16. As proposed by the applicant, and because of limited on-site parking, the Commission hereby requires that all Spa customers be dropped off or have their vehicles valet parked on Saturdays and Holidays. It is the responsibility of the property owner and the tenant to inform their clients of this restriction.
17. In order to minimize parking impacts, the applicant proposes to limit Saturday movie matinees to one screen at a time with at least one hour between shows, and to have only one evening show per theater Monday through Thursday (except during school vacation periods). To allow maximum benefit to the community, the Commission hereby allows the applicant to show Saturday movie matinees on both screens at once if desired, with at least 45 minutes between starting times of any movie on any screen. The applicant is also allowed to show up to three shows per theater Monday through Friday at any time, five shows per theater on Saturdays and Holidays, and 4 shows per theater on Sundays.
18. Because of the very limited on-site parking, and in order to maximize the number of parking spaces available for the other businesses that share this parking lot, **all business operators and employees of all of the businesses within this building shall park off-site during weekends and on holidays**. It is the responsibility of the applicant, property owners, and all of the tenants to inform their employees of this restriction, and to properly enforce it so that, to the greatest degree possible, on-site parking is available for the patrons of all the businesses. It would not be appropriate or fair for the Commission to impose similar employee parking restrictions on the two other property owners who are involved in the shared parking arrangements, but the Commission encourages those property owners to consult with the Parking Authority regarding possible similar provisions.
19. The applicant/property owner is strongly encouraged to continue to find alternative sites for the employees and customers of this building to park. It is acknowledged that parking on-site will be difficult in the future, and any efforts to relieve that strain will benefit all tenants of the building.
20. The applicant shall re-apply to the Planning and Zoning Commission once the tenant for the proposed 2,980+/- square foot retail space has been identified. This will allow the Commission to determine and address potential parking and other issues related to that tenant.

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21. In accordance with Section 905b of the Darien Zoning Regulations, the approval of this application shall be terminated upon the termination of the operation of any of such establishments referred to in the parking arrangements.
22. As noted within its August 2003 approval, the Architectural Review Board shall review any subsequent application for signage on the property. This would include, but not be limited to, the marquee for the movie theater. The applicant shall return to the Architectural Review Board to have that Board review the movie theater marquee on the front of the building (the Boston Post Road side). That marquee, as well as the one proposed for the rear of the building (the north side), shall display movie show signage only.
23. All site improvements including fencing, screening, and construction and landscaping shown on the revised and approved plans shall be completed prior to the use or occupancy of any portion of the proposed building.
24. Because of the increase of usage within the building, the Commission requires that the existing sewer lateral be upgraded to a six inch PVC pipe. Final approval and permits for that upgrade shall be obtained from the Darien Public Works Department.
25. An as-built survey shall be submitted to the Planning and Zoning Office before a Certificate of Occupancy for the building is issued. This survey shall show both the building additions as well as changes to the property, including but not limited to lighting, lined parking spaces and loading areas.
26. The approval of this Business Site Plan does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval for the theater concession stand operation from the Darien Health Department.
27. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
28. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 25, 2004). This may be extended as per Section 1028.

All provisions and details of the plans, as required to be amended herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Final revised plans and all other required documentation shall be submitted to the Planning and Zoning Department within 90 days of this action or this approval shall become null and void.

The motion was made by Mr. Kenny, seconded by Mrs. Forman and unanimously approved.

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Chairman Damanti called the Public Hearing to order and read the following agenda item:

**Continuation of Public Hearing regarding Coastal Site Plan Review #188, Flood Damage Prevention Application #199, Land Filling & Regrading Application #106, Foster Kaali-Nagy, 59 Five Mile River Road.** Proposing to raze the existing residence and construct a new single-family residence and perform related site development activities within regulated areas. The subject property is on the northeast side of Five Mile River Road, approximately 170 feet east of its intersection with Berry Lane, and is shown on Tax Assessor's Map #66 as Lot #10, in an R-1/2 Zone. *PUBLIC HEARING ORIGINALLY OPENED SEPTEMBER 23, 2003.*

The Public Hearing on this matter had been started on September 23<sup>rd</sup> and there were a number of issues and concerns with respect to the house design and the proposed site grading and activities along the shoreline. Holt McChord, Project Engineer, reviewed the changes and modifications made to the Plan to try to address the concerns of the Planning & Zoning Commission. These changes include: lowering the first floor by approximately one foot so that it would now be at elevation 16.5; lowering the garage floor by 0.5 feet; reducing the height of the retaining wall on the north part of the property so that it is only two feet tall; lowering the adjacent steps; lowering the patio at the back of the house from elevation 17 down to elevation 14.5; eliminating the attic living space; removal of the cupola design above the roof; reducing the ridge height of the roof; and reducing the design from a four bedroom down to a three bedroom floor plan. Mr. McChord submitted photographs of some of the other retaining walls in the vicinity. He pointed out that the two foot high proposed retaining wall would not be the only retaining wall in the area. He said that they had already received approval from the Environmental Protection Commission and Zoning Board of Appeals and that these revisions to the Site Plan and building design were in accordance with those previously granted Permits.

Foster Kaali-Nagy reviewed photographs of the adjacent property and noted that there is a wall along the south side of the house next door.

In response to questions about the amount of cutting and filling, Holt McChord said that the garage area will require that approximately 150 cubic yards of material be cut and removed from the site. With respect to the garage and basement area, Zoning Officer David Keating said that the inclusion of a basement area below flood level would appear not to comply with the Flood Damage Prevention Regulations. The garage can be below the flood level because the contents of the garage (the automobiles) can be moved to higher ground when a flood is anticipated to occur. A basement, however, must be located at least one foot above the expected flood level. He has contacted Connecticut Department of Environmental Protection official to ask for a ruling on the proposed basement room.

Mr. Keating also said that the drawings and plans needed to be coordinated so that the architectural plans and all of the site drawings properly reflect the proposed revised grading and designs. He also suggested that the area between the patio and the retaining wall would be a steep sloped grass area that would not be usable for recreational purposes. He suggested that the area might be better used if it was lowered and terraced so that planting areas could be created just outside the patio wall so that vegetation can then screen the view of the patio wall from the water and the lowered grade (below the patio and above the retaining wall) might then be flatter and possibly useable as more

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patio area or grass play area. Mr. McChord said that he would look into the possibility of making that kind of change.

There were no comments or questions from the public. The following motion was made: that the Public Hearing regarding this matter be closed. The motion was made by Mr. Conze, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

**Mandatory Referral, Amendment of Coastal Site Plan Review #167 and Flood Damage Prevention Application #176, Darien Sewer Commission/DPW, Long Neck Point Road, Pearl Tree Point Road, Crane Road sewer extension project.**

Proposal to construct a sanitary sewer line within the bridge deck of the Ring's End Road bridge, to connect the proposed (and previously approved) sanitary sewer line on Long Neck Point Road to the existing sewer on Ring's End Road. The proposed sewer line will be located within the right-of-way of Ring's End Road, which is shown on Tax Assessors' Map #51. *WITHDRAWN*.

It was noted that the application had been withdrawn and will be resubmitted at a future date.

Chairman Damanti read the following agenda item:

**Coastal Site Plan Review #186, Flood Damage Prevention Application #198, Denis & Jennifer Manelski (contract purchasers) for property of Frank & Katherine Olsson, 11 Pratt Island.**

Proposing to raze the existing residence, garage and greenhouse, and construct a new residence on the existing foundation with an addition, a garage, and a swimming pool, and perform related site development activities within regulated areas. The subject property is located on the south side of Pratt Island approximately 1,150 feet south of the intersection of Nearwater Lane and Baywater Drive, and is shown on Tax Assessor's Map #55, as Lots #121 and #122 in the R-1 Zone. *WITHDRAWN*.

It was noted that this application had been withdrawn and may or may not be resubmitted in the future.

Chairman Damanti read the following agenda item:

**Land Filling & Regrading Application #111, Park & Recreation Commission, Cherry Lawn Park--120 Brookside Road.** Proposing to fill and regrade to expand Casey Field and perform related site development activities. The Cherry Lawn Park property is on the east side of Brookside Road directly across from its intersection with Overbrook Road, and is shown on Tax Assessor's Map #11 as Lot #31, R-1 Zone.

Susan Swiatek, Director of Park & Recreation, explained that the application had been submitted in October so that they could be on the November agenda of the Planning & Zoning Commission. The application involves some filling and regrading to expand Casey Field, which is within the Cherry Lawn Park area. Casey Field is on the southern portion of the park and is adjacent to the Nature Center building. Ms. Swiatek said that in the 1995 Town Plan of Development and the 1996 Park & Recreation Commission Master Plan, the expansion of Casey Field is discussed. At present, the

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Field measures approximately 220'x 150'. The proposal is to expand the Field so that it will measure 310'x 220'. This will allow other age groups to use the Field and it will improve safety for the participants and spectators. She said that they have been seeking funds for the expansion of this field since the late 1990's and that funding started in 2000 for the expansion.

Ms. Swiatek said that one of the concerns that has been raised is the adequacy of the parking. She said that not all of the activities centers (the ball fields, the playground, the gardens, the tennis courts, the picnic/pond area) are used at all times or on all days. They do have peak parking demand times when the weather is good and there are scheduled activities in various parts of the park. She said they have studied the parking conditions and provided parking data to the Commission. This parking data was accumulated from the time of the Environmental Protection Commission approval until the submission date of the application to the Planning & Zoning Commission. Ms. Swiatek said that they are not adding an activities center, just improving an existing facility.

Eric Rains of Wesley Stout Associates reviewed the illustrations and drawings of the proposed field and landscaping areas around the field. He noted that on the plans submitted to the Commission there was an error with respect to the scale. The scale on the map says that it is 1"=20' when it actually is 1"=50'. He said that the maximum play field within the lines in that field is 140'x 200' and therefore 150'x 220' with boundary areas around the actual lined play field. The plan is to expand the entire area so that the lined play area plus the boundary area will measure 220'x 310'. This will require the removal of approximately 13 large trees. Fifteen (15) new trees will be planted plus shrubs plus wetlands restoration planting will occur.

Craig Flaherty, of Redniss & Mead Civil Engineers, said that the total area of the play field will be approximately 2½ acres. The maximum cut in the existing embankment will measure approximately 4 feet in height. The maximum depth of fill on the low end of the field will be approximately 3' in height. Mr. Flaherty said that there will be no measurable changes in runoff conditions. They will be connecting new under drains into the existing under drain system and utilizing the same discharge point. He said that there would be approximately 1,180 cubic yards of material cut at the site and approximately 1,600 cubic yards of fill material needed at the site. The net increase is approximately 420 cubic yards of fill.

Mr. Flaherty noted that in accordance with the Environmental Protection Commission's approval of application EPC 75-2003, which was approved on September 3, 2003, the field will continue to drain from the northwest down to the southeast at approximately 2% or less slope. This will provide adequate drainage so that the fields will not become unduly muddy but will also be sufficient to be used as play fields. Susan Swiatek said that much of the area is already lawn but is not an active marked field area nor is it used for any formal activities.

David Kenny asked if there have been any efforts to modify the Park & Recreation Commission's Master Plan since it was adopted. He was particularly interested if there were any proposed amendments to reduce or leave Casey Field in its present condition. Ms. Swiatek said that there have been no requests to modify the Master Plan but the Park & Recreation Commission has studied the matter and found that they are not able to implement all of the goals with respect to Cherry Lawn. Currently the Casey Field area is open play fields for ages 9 years and under. The modifications will allow the fields to be used by other age groups as well and to allow the younger

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age groups to make better use of the play area. Ms. Swiatek said that the expansion is not intended to create a high school regulation size field. In response to another question she said that the 220'x 330' dimensions include the striped play field plus a boundary area around the field.

John Schlactenhafen of Peach Hill Road said that several teams could play on the field at one time. He said that most of the days are practice teams with up to 6 teams on the field now. Enlarging the field would mean more people using the field at one time. He said that certain age groups, like eight and under, could have two games being played on the field at the same time. He said that the Park & Recreation Commission could require a time buffer between the end of one game and the start of another game to avoid overlapping parking requirements.

Flora Smith of Hamilton Lane said that the 1995 Town Plan of Development called for the purchase of other land but since that has not happened, the Park & Recreation Commission now wants to expand the existing play fields at Cherry Lawn. She said that there has been no quantification of specific needs for park use and that the April 2<sup>nd</sup> decision of the Park & Recreation Commission scraps the Master Plan for Cherry Lawn and indicates that they will just redo Casey Field and demolish the existing building. She said that no parking solution has been developed. She said that a previous agreement between area residents and the Park & Recreation Commission was that when the existing building is demolished, it would be open grass area and not be a formal play field, parking lot or any other formal activity area. She said that the application was pitched to the Environmental Protection Commission as addressing the need for more fields for young kids. She said that EPC approved the Plan but there has still been no parking solution decided upon. She said that in March the field measured 150 x 200.' Now it measures 150 x 220.' She said that it was expanded without permission or approval.

Ms. Smith said that the multiple users of the park cause there to be a greater demand for parking than there are available parking spaces. This results in people parking on the grass and in the driveways and sometimes this makes the area inaccessible for emergency vehicles. She said that the application to the Environmental Protection Commission was for a field measuring 310' x 210.' She said that the soccer field at the high school measures 360' x 220' and that this is the largest soccer field in Fairfield County at a high school. If the field at Cherry Lawn Park becomes 310' x 210', it would be large enough for high school students to play on and any other age group could also be accommodated on the field. Mrs. Smith said that the large trees around the perimeter of the field will need to be removed and that the field would be within 50' of the Nature Center facility. She submitted a graphic portion of a report from the Sports Council to the Park & Recreation Commission and said that this graph illustrates that there was an excess of playfields until the construction of the high school began. She said that the lack of the play fields will only exist as long as the high school is being worked on and therefore the problem is a temporary problem, yet the expansion of Casey Field will be a permanent negative impact on Cherry Lawn Park and the neighborhood. She said that the expansion of the field will intensify the park use. Mrs. Smith also said that the Environmental Protection Commission approval is conditioned upon parking and drainage and that there is still a need for an additional 55 parking spaces to accommodate users of the park. She said that there are other violations of the park as well. These include the bleachers being too close to the neighbor and the street and the field being expanded without permission or approval. She said that there is a need for more open space with less intensity and less congestion and not a need for intensifying the uses at Cherry Lawn Park.

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Director of Park & Recreation Susan Swiatek said that the graph submitted by Mrs. Smith is confusing because more than one set of information is presented on the same graph. She said that the Town does have a shortage of play fields that existed before the start of construction at the high school and the shortage will continue even after the new high school is complete and the fields at that site are restored.

John van der Kieft said that the expanded size of the field would allow adults to use the field and that this would have negative impacts on the park. He said that the quantification of usage of the fields has never been provided despite numerous requests to the Park & Recreation Commission. He said there is much confusion about the number of teams that could or would be able to use the field at any given time and that this will impact the number of parking spaces that are needed. He submitted photographs dated September 13, 2003 of the open grass area leading down to the soccer field and the nearby shade trees. He said that at a March 31<sup>st</sup> hearing the Commission turned down the intensification of use of Cherry Lawn but did allow Casey Field to be expanded slightly to allow side by side practice areas. He said that now the proposal would be large enough to allow games to be played side by side and that this would overpower this section of the park. He said that the proposed expansion would require the removal of at least 13 large trees. Three of these trees measure 4½ feet in circumference. The other trees are approximately 3½ feet in circumference.

Mr. van der Kieft submitted photographs dated 9/13/2003 of the parking area filled with cars and other parking of vehicles taking place on the traffic island/circle and on the median and on the grass. He said that parking at the Cherry Lawn Park is a real problem when there is more than one activity taking place. He said more parking demand will mean that more trees and shrubs and grass area will need to be removed.

Wynne Lydecker of 41 Birch Road said that she lives adjacent to the park and is very concerned about the degree of expansion and of the inadequate on-site parking. She said that the problems with parking would only be worsened by the proposed expansion of the play field.

Cheryl Russell, Chairman of the RTM's Park & Recreation Committee, said that she and the Committee are in support of the proposal. She said that the park is dedicated for recreation and open space use and that this expansion is a needed accommodation of the active recreation use of the park.

Mr. Conze noted that he lives behind Royle School and said that the play fields adjacent to the school are used very intensely in connection with the football league. He asked about the usage study of the parks and noted that today, more than ever, more children seem to be involved in organized sports.

Susan Swiatek said that there are various methods about collecting and presenting the information about park usage and that there has not been an agreed upon format. She said that the Sports Council which has been mentioned is a group consisting of the athletic director of the high school, and the Park & Recreation Director and the representatives from the various leagues and organizations that use the playfields at this town parks and schools. This was formed as an effort to share information and coordinate efforts, schedules and the use of the fields.

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Jane Branigan, a member of the Park & Recreation Commission, said that there are many more sports teams than in the past and that there is a greater demand for the sports and playfields. She said that the expansion of Casey Field has been in the works for many years and it is logical to expand the existing field.

In response to questions, Susan Swiatek said that the soccer program has a waiting list but she does not know about whether the other sports have a similar waiting list for hopeful participants.

David Morgan of Anthony Lane said that we were fighting over a postage stamp. He said that the crush of athletics will overwhelm the charming aspects of Cherry Lawn Park.

Laura Smith said that little kids can practice on small patches of grass at the schools and small portions of the field. Expanding the fields will mean that older children and adults will be able to use the fields.

Cheryl Russell said that her RTM Committee is still looking into the potential for creating additional fields. One such site would be at the Diller property, but the timing is such that they need the fields now and the creation of new fields would take several years.

John Schlactenhafen of Peach Hill Road said that five 17" diameter trees will need to be removed to expand the field. He said that the young people that could use the field make up one-third of the population of the community. He said that two-thirds of the population of the town will be deprived of the tranquil, beautiful aspects of this town park.

Wyman Proctor of 19 Old Parish Road said that he was on the Parking Subcommittee of the Park & Recreation Committee. There are 80 paved parking spaces at Cherry Lawn and they can add 32 more spaces near the large spruce tree. If they decide to create an additional parking area, they will be able to add an additional 18 on-site parking spaces. He said that the Park & Recreation Commission is aware of the parking concern but is balancing that against the preservation of existing green space. He said that he is in support of the application and knows that the Park & Recreation Commission has more work to do with respect to scheduling the use of the fields and dealing with the parking concerns.

There being no more comments or questions, the following motion was made: that the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Conze, seconded by Mr. Kenny. Mr. Damanti explained to the public that if the Commission closes the Public Hearing, no further verbal or written comments or information from the public is allowed to be submitted. No one offered any last minute comments. The motion to close the Public Hearing was unanimously passed.

The Commission decided to take a 5 minute recess. After a 5 minute recess the meeting was reconvened. Chairman Damanti read the following agenda item:

**Business Site Plan #94-A/Special Permit, BNR Vet Enterprises, 1302 Boston Post Road.**  
Proposal to construct additions and alterations to the existing building, create additional parking area, and perform related site development activities. The subject properties are located on the

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southeast side of Boston Post Road approximately 200 feet south of the exit 11 on-ramp to I-95, and are shown on Tax Assessor's Map #63 as Lots #2, 3, 4, and 5, SB Zone.

Attorney Terry Coates represented the applicant and explained that BNR Vet Enterprises is the contract purchaser of the property. He submitted photographs of the site and surroundings. He explained that there are currently two parcels, each being 100 feet wide and 90 feet deep. The plan is to consolidate the two parcels into one lot and to modify the building to improve safety and the parking. The existing parking area to the right (south) of the site will be utilized and the parking between the building and the Boston Post Road will be substantially modified. This will eliminate the need to back out into the Boston Post Road which is a severe safety problem.

Attorney Coates explained that the plan involves demolishing approximately 400 square feet of the existing building and constructing a 900 square foot addition. The addition will incorporate a new entrance which will be oriented toward the side parking lot. There will be a total of 19 parking spaces on the site to accommodate the veterinary employees and clients. There will be no need to back out into the Boston Post Road.

Director of Planning Jeremy Ginsberg explained that the applicant has recently received several variances from the Zoning Board of Appeals in order to accomplish the submitted site plan. Mr. Kenny mentioned that there is a need for consistency in the drawings. On some drawings he notes that they will have 19 parking spaces and on others it says that there will be 20 parking spaces. Architect William Andriopoulos explained that there will be 19 on-site parking spaces. The original plan had 20 parking spaces including 6 parking spaces that would be parallel to the Boston Post Road between the building and the street. Because those are parallel parking spaces, they need to be longer than the standard 20 foot parking stall and so they reduced the number from 6 spaces to 5 spaces.

Architect Andriopoulos noted that the survey submitted November 17<sup>th</sup> supersedes the older, October drawings. He said that the architectural plans have been revised and coordinated with the updated survey map. Changes have been incorporated at the request of the Fire Marshal. He said that drawing SK-1 had been reviewed and approved by the Police Department, particularly with respect to the layout of the parking spaces and elimination of the parking spaces that require backing into the Boston Post Road. He noted that they are increasing the number of parking spaces available.

There being no further comments or questions, the Commission members reviewed the plans and drawings. There were no comments or questions from the public. The following motion was made: that the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Conze, seconded by Mr. Kenny and unanimously approved.

Chairman Damanti read the following agenda item:

**Special Permit Application #35-B, Coastal Site Plan Review #79-A, Flood Damage Prevention Application #68-A, Land Filling & Regrading Application #112, Noroton Yacht Club, 23 Baywater Drive.** Proposal to demolish the existing wooden deck and canopy and storage shed, and construct a new tennis shack with deck and canopy, raised landscaped area and ramp, extend the existing practice court and perform related site development activities within regulated areas.

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Subject property is located on the north and west sides of Baywater Drive, approximately 300 feet east of its intersection with Plymouth Road, and is shown on Tax Assessor's Map #55 as Lots #80-84, in the R-NBD Zone.

Architect Robert Young represented the Club and noted that Art Collins was also in the audience. Mr. Young explained that the plans involve renovating the existing tennis area of the Club. The plans had already been submitted to and approved by the Architectural Review Board and variances were obtained from the Zoning Board of Appeals. The proposed work includes removal of the tennis shed, deck and awning and construction of a replacement 12½' x 24' shed, a new viewing area, and landscaping to provide screening adjacent to the neighbors. They will also be improving the safety of the street crossing location and they have incorporated comments from the staff and Fire Marshal into their design. Mr. Young noted that the tennis courts will not be lighted and, therefore will not be used for nighttime play. He said that there is a letter in the file from Mr. Smith regarding screening and stairs. They will continue to work with Mr. Smith and all of the other neighbors to address those concerns. That is part of the condition of the Zoning Board of Appeals' variance.

In response to questions about the height of the proposed deck, Mr. Young said that the viewing area is to be level with the courts and then there will be three risers. He also said that the building height will be 19'1" which is approximately two feet higher than the existing tennis shack. He said that, per the the Zoning Board of Appeals' variance, the building height cannot be any higher than the existing storage shed.

Referring again to Mr. Smith's letter, Mr. Young said that they will be modifying the stairs and the extent of the viewing area and will be redesigning the viewing area to retain the large tree. When they are doing the final layout of trees and shrubs to be planted, they will coordinate that work with the neighbors to make sure that the vegetation provides the maximum screening that is practical.

Mr. Young said that water runoff will be directed toward the catch basin and the street rather than toward the neighboring property owners.

There were no comments or questions from the public. The following motion was made: that the Commission close the Public Hearing regarding this application. The motion was made by Mr. Spain, seconded by Mrs. Forman and unanimously approved.

Chairman Damanti read the following agenda item:

**Special Permit Application #159-B, Darien Doughnut/Doughnut Inn, 364 Heights Road.**  
Proposing to expand Darien Doughnut/Doughnut Inn into adjacent space and add a counter and seating. Subject property is located on the north side of Heights Road approximately 100 feet east of its intersection with Hollow Tree Ridge Road, and is shown on Tax Assessor's Map #75 as Lot #22, in the DC Zone.

Phil Santomassi explained that the business has been known as Doughnut Inn and is now to be known as Darien Doughnut. It is located in the Noroton Heights Shopping Center and the only entrance for customers is adjacent to Heights Road. This results in virtually all of the customers using the parking spaces along Heights Road that require motorists to back into the street in order to

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leave the site. Mr. Santomassi said the business is improving and the barber has vacated the adjacent commercial space. This will allow Darien Doughnut to rent some of the vacant space and to rearrange the floor plan so that a second doorway can be provided. This second doorway would be on the backside of the building, away from Heights Road and adjacent to a 67 space portion of the parking area. At present, all of the customers use the 12 parking spaces adjacent to Heights Road. Creating a second customer access doorway will make it much easier for the customers to park in the back of the building and this will be a much safer situation. Although only 200 square feet of new customer space will be provided, it will substantially improve customer service and safety.

Mr. Santomassi said that he has reviewed the plans with Vince Proto of the Health Department with respect to the new kitchen facility complying with the Health Code requirements. A new service counter will be installed and this will allow for a second checkout area. Mr. Santomassi explained that he proposes to install a counter at which customers could drink or eat. There will be no separate tables for customers.

Mr. Conze said that parking in the front of the building, adjacent to Heights Road, is bad and that it is best to orient the business toward the rear parking lot. Mrs. Forman asked if it were possible to change the Heights Road parking spaces into diagonal parking spaces to become safer? She wanted to know if Mr. Santomassi would be agreeable to such a change. Mr. Santomassi said that the orientation and maintenance of those parking spaces is the responsibility of the owners of the shopping center and, therefore he suggested that it would be better to speak to Rocky Palmer as a representative of the owners. Mr. Santomassi said that other businesses along that section of the Heights Road would be affected as well and therefore it would not be fair for him to speak on their behalf.

Commission members reviewed the floor plans and noted that final details would need to be worked out with the Fire Marshal, Building Official and Health Department. They were all pleased that the second doorway would provide easy customer access to the large parking area that is on the north side of the building and not adjacent to Heights Road.

There were no questions or comments from the public. The following motion was made: that the Commission close the Public Hearing regarding this matter.

Chairman Damanti read the following agenda item:

**Special Permit Application #233, Quest Diagnostics, 537-557 Boston Post Road.** Proposing to establish a clinical laboratory within a portion of the first floor of the existing building. Subject property is located on the northwest side of Boston Post Road approximately 550 feet east of its intersection with Brookside Road, and is shown on Tax Assessor's Map #14 as Lot #36 in the DB-2 Zone.

Cindy Kreutzberg and Bob Averill represented the applicants and explained that the proposed use is a personal service use and not medical offices or retail sales. It would be a patient service center for specimen collection. Blood and other bodily fluids and samples would be collected for testing at the Norwalk or Milford laboratories. Very little medical waste would be generated because clients would not be receiving treatments at the site. The only medical waste would be the syringes and

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other medical equipment used to collect the samples. The waste would be stored within approved containers and would always be kept in the building. It would be collected approximately once each week.

The plans of the proposed layout were discussed. It was noted that former tenant of the building was a photo shop. The vacant space is on the lower level of the building, on the far left hand side when viewed from the Boston Post Road. There is no back door to the facility.

Mr. Averill said that the hours of operation would likely be from 6:00 a.m. to 4:00 p.m. on Monday through Friday and on Saturdays from 7:00 a.m. until noon. He anticipates that there will be approximately 50 client visits to the site each day and that the busiest times will be from 6:00 a.m. until 10 a.m. He emphasize that clients will not be receiving medical treatment and that there will not be any medications or other medical practices at the site. The purpose of this facility is only as a location where doctors can refer their patients so that the samples can be collected. It is for the convenience of the doctors and their patients, but no doctors will be located at the site and no patient treatments will be provided at the site.

There were no questions or comments from the public. The following motion was made: that the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Conze, seconded by Mr. Kenny, and unanimously approved.

Chairman Damanti read the following agenda item:

**Land Filling & Regrading Application #113, John A. Callahan, 119 West Avenue.** Proposing to remove existing railroad tie wall, construct a new stone wall, place fill behind that new stone wall and perform related site development activities. Subject property is located on the south side of West Avenue approximately 500 feet west of its intersection with Stony Brook Road, and is shown on Tax Assessor's Map #39 as Lot #94, in the R-1/3 Zone.

Mr. Callahan explained that he proposes to construct a stone wall in the front yard and then to fill and regrade the front yard using approximately 6-8 cubic yards of material. Because the regrading would be located 15 feet of the property line, a Special Permit from the Planning & Zoning Commission is required. The Commission members reviewed the plans and drawings and concluded that there appeared to be no drainage or safety issues involved with the regrading.

There were no questions or comments from the public. The following motion was made: that the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Spain, seconded by Mrs. Forman and unanimously approved.

**GENERAL MEETING**

Chairman Damanti called the General Meeting into session. The Commission recommended that the staff draft resolutions regarding a number of the Public Hearing items. Those resolutions will be acted on at the first available meeting in January.

Chairman Damanti read the following agenda item:

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**Amendment of Special Permit #66-I, Darien YMCA, 2420 Boston Post Road.**

Review and action on Special Events Schedule for year 2004.

The Commission members reviewed the proposed Schedule of Special Event Activities in 2004. After a brief discussion, the following motion was made: that the Commission approve the submitted Schedule. The motion was made by Mr. Kenny, seconded by Mr. Conze and unanimously approved.

**Approval of Minutes**

October 14, 2003      Public Hearing

The motion to approve the Minutes was made by Mr. Kenny, seconded by Mrs. Forman and unanimously approved.

**Approval of Minutes**

November 4, 2003      General Meeting

The motion to approve the Minutes was made by Mr. Spain, seconded by Mrs. Forman and unanimously approved.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning